

# Regional Planning Commission Transmittal Checklist

Hearing Date

1/14/15

Agenda Item No.

8

Project Number: R2014-00768-(5)  
Case(s): Conditional Use Permit Case No. 201400032  
Planner: Steve Mar

- ☒ Project Summary
- ☒ Property Location Map
- ☒ Staff Analysis
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions
- ☒ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☒ Correspondence
- ☐ Photographs
- ☐ Aerial Image(s)
- ☒ Land Use/Zoning Map
- ☐ Tentative Tract / Parcel Map
- ☒ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans
- ☒ Sheriff's Letter
- ☒ ABC B&P Worksheet
- ☒ Altadena Town Council Letter

Reviewed By: 



Department of Regional Planning  
320 West Temple Street  
Los Angeles, California 90012

**PROJECT NUMBER**

R2014-00768-(5)

**HEARING DATE**

January 14, 2015

**REQUESTED ENTITLEMENTS**

Conditional Use Permit No. 201400032

## PROJECT SUMMARY

**OWNER / APPLICANT**

M and A Gabae, LP / Walmart Stores, Inc.

**MAP/EXHIBIT DATE**

4/18/13

**PROJECT OVERVIEW**

The applicant, Walmart Stores, LLC, is requesting a Conditional Use Permit (CUP) for the sale of full line alcohol for off-site consumption (Type 21) at an existing 28,200 sq. ft. market (Walmart Neighborhood Market) on a 1.79 acre lot in the C-3 (Unlimited Commercial) zone in the Altadena Zoned District pursuant to Los Angeles County Code Sections 22.28.210 and 22.56.195. Alcoholic beverages will take up 1.19% of the store's total shelf space.

**LOCATION**

2408 Lincoln Ave., Altadena

**ACCESS**

via Lincoln Ave. & Figueroa Dr.

**ASSESSORS PARCEL NUMBER(S)**

5827-013-029

**SITE AREA**

1.79 Acres

**GENERAL PLAN / LOCAL PLAN**

Altadena Community Plan

**ZONED DISTRICT**

Altadena

**LAND USE DESIGNATION**

GC – General Commercial

**ZONE**

C-3 (Unlimited Commercial)

**PROPOSED UNITS**

N/A

**MAX DENSITY/UNITS**

N/A

**COMMUNITY STANDARDS DISTRICT**

Altadena CSD

**ENVIRONMENTAL DETERMINATION (CEQA)**

Class 1 Categorical Exemption – Existing Facilities

**KEY ISSUES**

- Consistency with the Altadena Community Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
  - 22.56.195 (Alcoholic Beverage Sales Burden of Proof Requirements)
  - 22.44.127 (Altadena CSD Requirements)
  - 22.28.220 (C-3 Zone Development Standards)

**CASE PLANNER:**

Steve Mar

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Printed: Dec 22, 2014

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### ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) for the sale of full line alcohol for off-site consumption (Type 21) at an existing market in the C-3 (Unlimited Commercial) Zone pursuant to County Code Section 22.28.210.

### PROJECT DESCRIPTION

The applicant, Walmart Stores, LLC, is requesting a conditional use permit (CUP) for the sale of full line alcohol for off-site consumption (Type 21) at an existing 28,200 sq. ft. market (Walmart Neighborhood Market) on a 1.79 acre lot in the C-3 (Unlimited Commercial) zone in the Altadena Zoned District pursuant to Los Angeles County Code Sections 22.28.210 and 22.56.195. The display of alcoholic beverages will take up 1.19% of the store's total shelf space.

### SITE PLAN DESCRIPTION

The site plan depicts the existing 28,200 sq. ft. market located on a 1.79 acre lot on the southeast corner of Lincoln Ave. and Figueroa Dr. Access to the site is via driveways off of Lincoln Ave. and Figueroa Dr. The market provides the required amount of parking under County Code by providing 113 parking spaces. A total of 7,861 sq. ft. of landscaping is provided on the site. The market's shelf plan shows that the display of alcoholic beverages will consist of 1.19% of the store's total shelf space.

### EXISTING ZONING

The subject property is zoned C-3 (Unlimited Commercial).

Surrounding properties are zoned as follows:

North: C-3 (Unlimited Commercial), R-3 (Limited Multiple Residence), R-2 (Two-family Residence), R-1-7500 (Single-family Residence – 7,500 Sq. Ft. Minimum Required Area)  
South: C-3 (Unlimited Commercial)  
East: C-3 (Unlimited Commercial), R-1-7500 (Single-family Residence – 7,500 Sq. Ft. Minimum Required Area)  
West: C-3 (Unlimited Commercial), R-1-7500 (Single-family Residence – 7,500 Sq. Ft. Minimum Required Area)

### EXISTING LAND USES

The subject property is developed with a market.

Surrounding properties are developed as follows:

North: Vacant, Multi-family Residences, Single-family Residences  
South: Office, Public Storage  
East: Vacant, Single-family Residences, Multi-family Residences  
West: Commercial, Retail, Single-family Residences, Multi-family Residences

### PREVIOUS CASES/ZONING HISTORY

The Zoning History of this parcel is as follows: C-3 (April 5, 1950), C-3 (September 13, 1988).

Plot Plan No. 200700896 – Approved September 27, 2007, for the conversion of an existing commercial structure into a new grocery store.

Plot Plan No. 201000837 – Approved September 27, 2010, for tenant improvements for a new grocery store. This approval replaces Plot Plan No. 200700896.

### ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project will not cause or is proposing any significant alterations to the existing use or building. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

### STAFF EVALUATION

#### General Plan/Community Plan Consistency

The project site is located within the GC – General Commercial land use category of the Altadena Community Plan. This land use designation is intended to permit a broad range of commercial services, including supermarkets. The proposed sale of full line alcoholic beverages for off-site consumption at the existing market fits the description of the General Commercial land use designation and is therefore consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed project:

- *Maintain and conserve sound existing development.*
- *Maintain and reinforce the multifocused pattern of regional linear activity areas and centers.*

The project adds the sale of full line alcohol for off-site consumption to the existing market and proposes no physical changes or alterations to the existing development. The project will maintain the existing commercial and economic activity that the market provides along Lincoln Ave.

The following policies of the Community Plan are applicable to the proposed project:

- *Preserve existing residential neighborhoods, commercial districts, community facilities, institutions, and environmental amenities.*

The project will add the sale of full line alcohol for off-site consumption to the existing market and preserves the current commercial and economic benefit that the market provides to the neighborhood.

#### Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.28.220 of the County Code, establishments in the C-3 Zone are subject to the following development standards:

- **Building Net Area and Landscaping** – The project does not exceed the maximum allowed building net area of 90 percent and meets the minimum 10 percent landscaping requirement.
- **Parking** – The project is required to provide parking in the amount of one parking space for every 250 square feet of floor area of the market. The project requires 113 parking spaces and meets the parking requirement by providing 113 spaces.
- **Outside Display and Outside Storage** – The project is not proposing any outdoor display or outside storage.

Pursuant to Section 22.44.127 of the County Code, establishments in the Altadena Community Standards District (CSD) are subject to the following development standards:

- Yards – The project provides the required front yards for properties in the C-3 Zone as prescribed in the Altadena CSD - West Altadena Area.
- Floor Area and Height – The project meets the Altadena CSD – West Adams Area development standards of maximum floor area and height.

Neighborhood Impact/Land Use Compatibility

The sale of alcoholic beverages at an existing market on the subject property is compatible with the surrounding neighborhood and provides a needed service to the community. Alcoholic beverage sales is allowed in the C-3 zone with a CUP. Currently, there is one other establishment within a 500-ft. radius of the subject property that sells alcohol. This establishment is a liquor store with a Type 21 license for off-site full line alcohol sales located across the street from the project site along Lincoln Ave. Although this constitutes an undue concentration under County Code Section 22.56.195, the sale of full line alcohol for off-site consumption would serve as a public convenience and necessity to the surrounding community by providing products and services that are complementary to the market's other products and services. The shelf space devoted to the display of alcoholic beverages will be limited to 1.19% of the store's total shelf space as depicted in the application's shelf plan and is in compliance with County Code. The subject property is currently not located within 600 ft. of any sensitive uses.

The applicant carries the Burden of Proof to substantiate all facts as follows:

- A. That the requested use at the location proposed will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
  2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
  3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

Walmart undertakes numerous measures and policies to ensure the safe sale of alcohol. Walmart also implements a Responsible Vendor of Alcohol Policy that includes technology, restricted hours of alcohol sales, training, monitoring, and termination of employees who violate alcohol policies. The sale of alcoholic beverages for off-site consumption is an ancillary use to the sale of groceries at the market and the inventory of alcoholic beverages will be 1.19% of the store's total shelf space. The Walmart parking lot is continually monitored by employees and security personnel that discourages loitering and the market maintains a strict policy regarding the consumption of alcohol on the premises.

- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.

The expansion and renovation of the Walmart store was approved by the County in July 2012 and the improvements were completed in March 2013. The sale of alcohol at the store does impact the site beyond what has already been considered during its recent approval as such, the site and existing improvements will remain unchanged.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

The Walmart store is located at the signalized intersection of Lincoln Avenue and Figueroa Drive and is appropriately served and accessed via public streets. The project will not increase the current demand on public or private service facilities on the site.

Additionally, the applicant carries the Burden of Proof to substantiate all facts as related to Alcoholic Beverage Sales as follows:

A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

There is no such sensitive use located within a 600 ft. radius of the project site.

B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

Residential properties to the east of the property are buffered from the market by the parking lot, by a six foot high block wall, and by a landscaping buffer. There is no direct access from the market to these residential properties. Residences to the north of the property are buffered by Figueroa Drive, landscaping, and a decorative wall. To the south of the property, office buildings are buffered by a six foot high block wall. Commercial uses to the west are buffered by Lincoln Avenue.

C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

Since the shelf space devoted to the display of alcoholic beverages will be only 1.19% of the store's total shelf space, it is unlikely that customers will shop at Walmart to purchase alcohol only. However, Walmart customers will find that the purchase of alcohol, along with other general merchandise and groceries, is a convenience. The public convenience and necessity outweighs the fact that the Walmart is located within a 500 ft. radius of another establishment that sells alcoholic beverages.

D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

The use will not adversely affect the economic welfare of the nearby community. The ability to sell alcohol will add to the customer's full-scale supermarket experience by offering the same range of products and groceries as their competitors. In addition to fresh groceries and general limited merchandise, Walmart Neighborhood Markets typically carry a wide variety of alcoholic beverages.

E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the

immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

The property was recently renovated in late 2012 for occupancy by Walmart Neighborhood Market as a full-scale supermarket. The exterior appearance of the structure will remain unchanged from its current state. As renovated, the exterior appearance of the property is consistent with the other properties in the immediate neighborhood.

#### Burden of Proof

The applicant is required to substantiate all facts identified by Section(s) 22.56.040 and 22.56.195 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

### **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

#### **Sheriff's Station**

The County of Los Angeles Sheriff's Department, Altadena Station, researched the subject property's calls for service history dating back to the Walmart store's opening in March 2013. Since that time, the Sheriff's Department has responded to 17 calls for service. Although most of the calls for service have been routine, two calls are especially noteworthy. The first call is a "take over" robbery by several armed males that occurred during the early morning hours on August 24, 2013. The second noteworthy call is a stabbing that occurred on April 4, 2014. One suspect was arrested for assault with a deadly weapon (knife). None of the calls for service were alcohol related incidents.

The Sheriff's Department notes that the subject property's location, including the site's parking lot and surrounding areas, are well lit and is policed by private security. The Sheriff's Department thought that crime has not been a major problem at the project location, considering the number of customers who frequent the site, and recommends approval of the project.

### **OTHER AGENCY COMMENTS AND RECOMMENDATIONS**

#### **California Department of Alcoholic Beverage Control**

Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the subject property is located in a high crime reporting district. The subject property is in Reporting District 772. The average number of offenses reported per district (out of 553 total reporting districts) is 90.9 and the actual number of crimes reported for District 772 is 648.

The subject property lies within Census Tract 4610. There are currently three existing alcohol licenses in this census tract and four licenses are allowed. Therefore there is no undue concentration of alcoholic beverage licenses within Census Tract 4610.

### **LEGAL NOTIFICATION AND PUBLIC OUTREACH**

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

### **PUBLIC COMMENTS**

Staff has received one comment letter from a neighboring commercial property owner in support of the project.

#### **Altadena Town Council**

The Altadena Town Council has reviewed the project and recommended approval of the proposal with conditions.



**FEES/DEPOSITS**

If approved, fees identified in the attached project conditions will apply unless modified by the Regional Planning Commission.

**STAFF RECOMMENDATION**

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2014-00768-(5), Conditional Use Permit Number 201400032, subject to the attached conditions.

**SUGGESTED APPROVAL MOTION:**

**I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201400032 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.**

Prepared by Steve Mar, Regional Planning Assistant II, Zoning Permits East Section  
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

**Attachments:**

Draft Findings, Draft Conditions of Approval  
Applicant's Burden of Proof statements  
Correspondence  
Site Photographs, Photo Simulations, Aerial Image  
Site Plan, Land Use Map

MM:SM  
1/14/15

**DRAFT FINDINGS OF THE REGIONAL PLANNING COMMISSION  
AND ORDER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-00768-(5)  
CONDITIONAL USE PERMIT NO. 201400032**

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing, in the matter of Conditional Use Permit No. 201400032 ("CUP") on January 14, 2015.
2. The permittee, Walmart Stores, Inc. ("permittee"), requests the CUP to authorize sale of full line alcohol for off-site consumption (Type 21) at an existing market ("Project") on a property located at 2408 Lincoln Avenue in the unincorporated community of Altadena ("Project Site") in the C-3 (Unlimited Commercial) zone pursuant to Los Angeles County Code ("County Code") section 22.28.210.
3. The Project Site is 1.79 gross acres in size and consists of one legal lot. The Project Site is rectangular in shape with flat topography and is developed with a supermarket.
4. The Project Site is located in the Altadena Zoned District and is currently zoned C-3 (Unlimited Commercial).
5. The Project Site is located within the GC – General Commercial land use category of the Altadena Community Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
  - North: C-3 (Unlimited Commercial), R-3 (Limited Multiple Residence), R-2 (Two-family Residence), R-1-7500 (Single-family Residence – 7,500 Sq. Ft. Minimum Required Area)
  - South: C-3 (Unlimited Commercial)
  - East: C-3 (Unlimited Commercial), R-1-7500 (Single-family Residence – 7,500 Sq. Ft. Minimum Required Area)
  - West: C-3 (Unlimited Commercial), R-1-7500 (Single-family Residence – 7,500 Sq. Ft. Minimum Required Area)
7. Surrounding land uses within a 500-foot radius include:
  - North: Vacant, Multi-family Residences, Single-family Residences
  - South: Office, Public Storage
  - East: Vacant, Single-family Residences, Multi-family Residences
  - West: Commercial, Retail, Single-family Residences, Multi-family Residences
8. The Project Site has been zoned C-3 since April 5, 1950. On September 27, 2007, Plot Plan No. 200700896 was approved for the conversion of the existing commercial structure on the site into a new grocery store for the Walmart Neighborhood Market. On September 27, 2010, Plot Plan No. 201000837 replaced Plot Plan No. 200700896 and approved additional tenant improvements and square footage for the new Walmart Neighborhood Market.
9. The site plan for the Project depicts the existing 28,200 sq. ft. market located on a 1.79 acre lot on the southeast corner of Lincoln Ave. and Figueroa Dr. Access to the site is via

driveways off of Lincoln Ave. and Figueroa Dr. The market provides the required amount of parking under County Code by providing 113 parking spaces. A total of 7,861 sq. ft. of landscaping is provided on the site. The market's shelf plan shows that the display of alcoholic beverages will consist of 1.19% of the store's total shelf space.

10. The Project Site is accessible via Lincoln Avenue to the west and Figueroa Drive to the north. Primary access to the Project Site will be via an entrance/exit on Lincoln Avenue and via an entrance/exit on Figueroa Drive.
11. The Project provides a total of 113 parking spaces (64 standard spaces, 44 compact spaces, and 5 handicapped spaces).
12. The County of Los Angeles Sheriff's Department ("Sheriff's Department"), Altadena Station, recommends approval of the project because crime has not been a major problem at the project location based on the property's calls for service history. The California Department of Alcoholic Beverage Control (ABC) reports that the subject property is located in a high crime reporting district and in a census tract that does not have an undue concentration of businesses with alcoholic beverage licenses.
13. Prior to the Commission's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involved the sale of alcoholic beverages in an existing Walmart Neighborhood Supermarket, with negligible or no expansion of use beyond that which was previously existing.
14. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
15. Prior to the Commission's public hearing, Regional Planning staff received one comment letter from a neighboring commercial property owner in support of the project.
16. Prior to the Commission's public hearing, the Altadena Town Council reviewed the project and recommended approval of the proposal with conditions.
17. [Hearing Proceedings] *To be inserted after the public hearing to reflect hearing proceedings.*
18. The Commission finds that the project site is located within the GC – General Commercial land use category of the Altadena Community Plan. This land use designation is intended to permit a broad range of commercial services, including supermarkets. The proposed sale of full line alcoholic beverages for off-site consumption at the existing market fits the description of the General Commercial land use designation and is therefore consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed project:

- *Maintain and conserve sound existing development.*
- *Maintain and reinforce the multifocused pattern of regional linear activity areas and centers.*

The project adds the sale of full line alcohol for off-site consumption to the existing market and proposes no physical changes or alterations to the existing development. The project will maintain the existing commercial and economic activity that the market provides along Lincoln Ave.

The following policies of the Community Plan are applicable to the proposed project:

- *Preserve existing residential neighborhoods, commercial districts, community facilities, institutions, and environmental amenities.*

The project will add the sale of full line alcohol for off-site consumption to the existing market and preserves the current commercial and economic benefit that the market provides to the neighborhood.

19. The Commission finds that pursuant to Section 22.28.220 of the County Code, establishments in the C-3 Zone are subject to the following development standards:

- Building Net Area and Landscaping – The project does not exceed the maximum allowed building net area of 90 percent and meets the minimum 10 percent landscaping requirement.
- Parking – The project is required to provide parking in the amount of one parking space for every 250 square feet of floor area of the market. The project requires 113 parking spaces and meets the parking requirement by providing 113 spaces.
- Outside Display and Outside Storage – The project is not proposing any outdoor display or outside storage.

Pursuant to Section 22.44.127 of the County Code, establishments in the Altadena Community Standards District (CSD) are subject to the following development standards:

- Yards – The project provides the required front yards for properties in the C-3 Zone as prescribed in the Altadena CSD - West Altadena Area.
- Floor Area and Height – The project meets the Altadena CSD – West Adams Area development standards of maximum floor area and height.

20. The Commission finds that the sale of alcoholic beverages at an existing market on the subject property is compatible with the surrounding neighborhood and provides a needed service to the community. Alcoholic beverage sales is allowed in the C-3 zone with a CUP. Currently, there is one other establishment within a 500-ft. radius of the subject property that sells alcohol. This establishment is a liquor store with a Type 21 license for off-site full line alcohol sales located across the street from the project site along Lincoln Ave. Although this constitutes an undue concentration under County Code Section 22.56.195, the sale of full line alcohol for off-site consumption would serve as a public convenience and necessity to the surrounding community by providing products and services that are complementary to the market's other products and services. The shelf space devoted to the display of alcoholic beverages will be limited to 1.19% of the store's total shelf space as depicted in the application's shelf plan and is in compliance with County Code. The subject property is currently not located within 600 ft. of any sensitive uses.

21. The Commission finds that the Walmart undertakes numerous measures and policies to ensure the safe sale of alcohol. Walmart also implements a Responsible Vendor of Alcohol

Policy that includes technology, restricted hours of alcohol sales, training, monitoring, and termination of employees who violate alcohol policies. The sale of alcoholic beverages for off-site consumption is an ancillary use to the sale of groceries at the market and the inventory of alcoholic beverages will be 1.19% of the store's total shelf space. The Walmart parking lot is continually monitored by employees and security personnel that discourages loitering and the market maintains a strict policy regarding the consumption of alcohol on the premises.

22. The Commission finds that the expansion and renovation of the Walmart store was approved by the County in July 2012 and the improvements were completed in March 2013. The sale of alcohol at the store does impact the site beyond what has already been considered during its recent approval as such, the site and existing improvements will remain unchanged.
23. The Commission finds that the Walmart store is located at the signalized intersection of Lincoln Avenue and Figueroa Drive and is appropriately served and accessed via public streets. The project will not increase the current demand on public or private service facilities on the site.
24. The Commission finds that there are no sensitive uses located within a 600 ft. radius of the project site.
25. The Commission finds that residential properties to the east of the property are buffered from the market by the parking lot, by a six foot high block wall, and by a landscaping buffer. There is no direct access from the market to these residential properties. Residences to the north of the property are buffered by Figueroa Drive, landscaping, and a decorative wall. To the south of the property, office buildings are buffered by a six foot high block wall. Commercial uses to the west are buffered by Lincoln Avenue.
26. The Commission finds that since the shelf space devoted to the display of alcoholic beverages will be only 1.19% of the store's total shelf space, it is unlikely that customers will shop at Walmart to purchase alcohol only. However, Walmart customers will find that the purchase of alcohol, along with other general merchandise and groceries, is a convenience. The public convenience and necessity outweighs the fact that the Walmart is located within a 500 ft. radius of another establishment that sells alcoholic beverages.
27. The Commission finds that the use will not adversely affect the economic welfare of the nearby community. The ability to sell alcohol will add to the customer's full-scale supermarket experience by offering the same range of products and groceries as their competitors. In addition to fresh groceries and general limited merchandise, Walmart Neighborhood Markets typically carry a wide variety of alcoholic beverages.
28. The Commission finds that the property was recently renovated in late 2012 for occupancy by Walmart Neighborhood Market as a full-scale supermarket. The exterior appearance of the structure will remain unchanged from its current state. As renovated, the exterior appearance of the property is consistent with the other properties in the immediate neighborhood.
29. The Commission finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Conditional Use Permit to 15 years.

30. The Commission finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the Altadena community. On December 4, 2014, a total of 388 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as three notices to those on the courtesy mailing list for the Altadena Zoned District and to any additional interested parties.
31. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES THAT:**

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius; and
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and
- G. The public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment; and
- H. The requested use at the proposed location will not adversely affect the economic welfare of the surrounding community; and

- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

**THEREFORE, THE REGIONAL PLANNING COMMISSION:**

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
2. Approves Conditional Use Permit Number 201400032, subject to the attached conditions.

**[DRAFT] CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-00768-(5)  
CONDITIONAL USE PERMIT NO. 201400032**

**PROJECT DESCRIPTION**

The project is a conditional use permit (CUP) for the sale of full line alcohol for off-site consumption (Type 21) at an existing market (Walmart Neighborhood Market) subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9, shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.



At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on January 14, 2030.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

**PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)**

19. This grant allows the sale of full line alcohol for off-site consumption at an existing market (Walmart Neighborhood Market).

20. The conditions of this grant shall be retained on the premises at all times and shall be made available upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein;
21. Loitering, shall be prohibited on the subject property, including loitering by employees of the subject property;
22. The consumption of alcoholic beverages shall be prohibited on the subject property;
23. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises facing the premises parking lot(s) and shall read as follows:

NO LOITERING, NO LITTERING,  
NO DRINKING OF ALCOHOLIC BEVERAGES  
VIOLATORS ARE SUBJECT TO ARREST

The sign shall be at least two feet square with two inch block lettering. The sign shall be in English and Spanish. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;

24. The permittee, and all managers and designated employees of the establishment, who directly are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request;
25. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures. Interior displays of alcoholic beverages or signs which are clearly visible from the exterior shall constitute a violation of this condition;
26. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;
27. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public;
28. This grant authorizes the sale of alcoholic beverages from 8:00 a.m. to 10:00 p.m., seven days a week. These limited sales hours shall be programmed into the store's cash registers to restrict alcohol sales from 10:00 p.m. to 8:00 a.m.;
29. No sale of alcoholic beverages shall be made from a drive-in window;
30. No display of alcoholic beverages shall be made from an ice tub;
31. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the "shelf plan" labeled Exhibit 'A'. No

additional display of alcoholic beverages shall be provided elsewhere on the premises. The shelf space devoted to the display of alcoholic beverages shall be no more than 1.19% of the store's total shelf space as depicted in the approved shelf plan;

32. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, with the exception of official State Lottery machines;
33. No alcoholic beverages shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler;
34. The sale of any individual, single container beer or malt beverages of any sized container is prohibited. There shall be no beer or malt beverages sold in less than six-pack quantities;
35. The sales of beer or malt beverages in container quantities of quarts, 22 oz., 32 oz., 40 oz., or similar size containers is prohibited;
36. No malt liquors and/or malt based products with alcoholic content greater than five percent by volume shall be sold;
37. No wine shall be sold with an alcohol content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and are maintained in corked bottles;
38. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers, beer coolers, and pre-mixed distilled spirit cocktails shall not be sold in less than four-pack quantities;
39. The permittee shall provide adequate lighting above all entrances and exits to the premises and in all parking areas and walkways under control of the permittee or required as a condition of this grant.
40. All lighting required by this grant shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot;
41. All litter and trash shall be collected regularly from the premises and the adjacent right-of-way.



Los Angeles County  
Department of Regional Planning  
*Planning for the Challenges Ahead*



## CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

*(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)*

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

See Attachment A


B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

See Attachment A


C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

See Attachment A


**ATTACHMENT A**  
**CONDITIONAL USE PERMIT BURDEN OF PROOF**

*A. That the requested use at the location will not:*

- 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area.*

Walmart undertakes numerous measures to ensure the safe sale of alcohol including:

- a. Alcohol is displayed away from the entrance to discourage theft from people grabbing alcohol and running out the nearest door,
- b. Security cameras are positioned at strategic locations in the store,
- c. The Walmart parking lot is well-lit, and
- d. Walmart maintains a strict policy regarding the consumption of alcohol on the premises.

Walmart implements a Responsible Vendor of Alcohol policy that includes technology, restricted hours, training, monitoring, and discipline.

- a. Walmart's cash registers employ a state-of-the-art technology designed to help the cashier confirm a customer's age as part of every alcohol transaction. Cameras are positioned to confirm whether cashier's input the required driver's license information when prompted to do so by the cash register.
  - b. Alcohol sales are limited to the hours of 6:00 a.m. to 2:00 a.m. in accordance with ABC law. If a cashier attempts to sell alcohol during a prohibited time, the register will stop the transaction.
  - c. New employee orientation includes alcohol compliance training and when a store obtains an alcohol license, all associates who act, or might act, as cashiers must take an alcohol compliance computer-based training program and score 100%. Training includes spotting fake identifications and how to turn down alcohol sales.
  - d. Employees who violate alcohol policies are terminated and not eligible for rehire.
- 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site.*

The off-sale of beer, wine, and distilled spirits as an ancillary use to the sale of groceries at the Walmart store will not detrimentally affect property or residences in the vicinity. The inventory of alcoholic beverages will be a small percentage of

the merchandise sold in the store. However, Walmart customers will find that the ability to purchase alcohol while grocery shopping a convenience.

3. *Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.*

At all of its stores Walmart strives to be a responsible member of the community and implements standards to ensure that the public health, safety, and welfare are not jeopardized or endangered as a result of store operations and practices. In addition to the safe alcohol sales and responsible vendor policies detailed in section A.(1) above, the Walmart parking lot has a continual presence of employees returning carts that discourages loitering and the store has on-site security personnel that patrol the premises. Furthermore, Walmart maintains a strict policy regarding the consumption of alcohol on the premises.

- B. *That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.*

The expansion and renovation of the Walmart store was approved by the County in July 2012 and the improvements were completed in March 2013. The sale of alcohol at the store does impact the site beyond what has already been considered during its recent approval as such, the site and existing improvements will remain unchanged.

- C. *That the proposed site is adequately served:*

1. *By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate.*

The Walmart store is located at the signalized intersection of Lincoln Avenue and Figueroa Drive and is appropriately served and accessed via public streets.

2. *By other public or private service facilities as are required.*

The request to sale alcohol for off-site consumption will not impact the demand on public or private service facilities; approval of this request will allow Walmart to add wine, beer and liquor to its grocery inventory.



Los Angeles County  
Department of Regional Planning  
*Planning for the Challenges Ahead*



## ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate the following:  
(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

ABC License Type No(s): Type 21 (e.g. Type 20, Type 41)

A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

See Attachment B

B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

See Attachment B

C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

See Attachment B

D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

See Attachment B

E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

See Attachment B



## ATTACHMENT B

### ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

- A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park playground, or any similar use within a 600-foot radius.*

As shown in the enclosed radius map, there are no consideration points (places used for religious worship, schools, park playground, etc.) within a 600-foot radius from the exterior boundaries of the subject property.

- B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.*

One vacant residential lot and one single-family residential home is situated to the east side of the property and adjacent to the main customer parking area. The lots are separated from the Store by a six-foot high block wall and a landscaping buffer on the Store property that shields and protects the residents from any noise associated with the property. There is no direct access from the Store property to the residential. Single- and multi-family residential homes are situated to the north of the side of the Store across Figueroa Drive. These homes are separated from the Store property not only by a public street, but also by a decorative wall and landscaping.

To the south, a six foot high block wall separates the subject property from the Business Technology Center<sup>1</sup>. On the other side of the block wall, on not on the Store property, there is a row of dense trees and shrubs between the wall and the adjacent building commercial building. Additionally, across Lincoln Avenue, to the west, there are commercial uses, including a liquor store at the corner, a martial arts studio, an instructional music studio, a clothing store, and a water store.

The issuance of the alcohol conditional use permit will not interfere with the quiet use and enjoyment of the adjacent residential uses due to distance and adequate screening measures.

- C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site*

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<sup>1</sup> The Business Technology Center is a commercial use that provides business support services, management assistance, financial resource coordination, and training to technology firms

*consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.*

According to the License Query System (LQS) provided by the California Department of Alcoholic Beverage Control (ABC) there is one existing license within 500 feet from the Store property. Specifically, the ABC lists a Type 21 license issued to All Star Liquor that is approximately 78 feet from the Store property. The customer entrance to the Store is on the east side of the building; when the distance is measured door-to-door approximately 780 feet separate the two premises.

As part of the alcohol conditional use permit request, a public convenience or necessity determination will be required. Since the inventory of alcoholic beverages will be such a small percentage of the merchandise sold in the store, it is unlikely customers will shop at Walmart to purchase alcohol only. However, Walmart customers will find the purchase of alcohol, along with other general merchandise and groceries a convenience. The public convenience or necessity outweighs the fact that it is located within a 500 foot radius of the other facility selling alcoholic beverages for off-sale consumption.

- D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.*

The use will not adversely affect the economic welfare of the nearby community. The ability to sale alcohol will add to the customer's full-scale supermarket experience by offering the same range of products and groceries as their competitors. In addition to fresh groceries and general limited merchandise, Walmart Neighborhood Markets typically carry a wide variety of distilled liquor, wine, beer and malt-based wine coolers.

- E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.*

The property was recently renovated in late 2012 for occupancy by Walmart Neighborhood Market as a full-scale supermarket. The exterior appearance of the structure will remain unchanged from its current state. As renovated, the exterior appearance of the property is consistent with the other properties in the immediate neighborhood and improved

## Steven Mar

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**From:** Colleen Dunn Bates [colleen@prospectparkbooks.com]  
**Sent:** Sunday, December 07, 2014 4:05 PM  
**To:** Steven Mar  
**Subject:** CUP for Walmart in Altadena

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Steve,

I cannot attend the public hearing on 1/14 for the CUP for Walmart to sell alcohol, but I wanted to weigh in. I am a new property owner right across the street, at 2359, 2361, and 2363 Lincoln Ave. My business, a book publishing company, has just moved into 2359.

I am not a fan of Walmart, but I support their right to sell alcohol. Their operation is clean, supervised, and well maintained, and it has improved the neighborhood, which cannot be said for the liquor stores on the street. I am in favor of granting them the permit.

Thank you  
Colleen Bates

Colleen Dunn Bates  
Publisher  
PROSPECT PARK BOOKS  
626.793.9796  
[prospectparkbooks.com](http://prospectparkbooks.com)

WE HAVE MOVED!  
New address: 2359 Lincoln Ave., Altadena, CA 91001  
Phone & email are unchanged



*County of Los Angeles*  
**Sheriff's Department Headquarters**

*4700 Ramona Boulevard  
Monterey Park, California 91754-2169*



May 7, 2014

Mr. Steve Mar  
County of Los Angeles  
Department of Regional Planning  
Zoning Permits East Section  
320 West Temple Street, Room 1346  
Los Angeles, California 90012

Subject: Conditional Use Permit (CUP) Consultation for Sale of Alcohol  
Project No.: R2014-00768-(5)  
Permit No.: CUP201400032  
Establishment: Walmart Neighborhood Market  
Location: 2408 Lincoln Ave., Altadena

Dear Mr. Mar:

The Sheriff's Department has responded to 17 calls for service since the Walmart store opened in March, 2013. The calls were as follows: 3 calls of suspicious persons; 1 grand theft report; 1 trespass investigation; 1 robbery alarm; 2 burglar alarms; 1 armed robbery call; 2 shoplifting arrests; 1 indecent exposure; 1 call of several males fighting inside the store; 1 petty theft report; and 1 assault with a deadly weapon (knife) arrest. Attached is the CFS report of those calls for your review.

Although most of the calls for service have been routine, two calls are especially noteworthy. The first call is a "take over" robbery by several armed males that occurred during the early morning hours on August 24, 2013, only 5 months after the store open. No arrests have yet been made. The second noteworthy call is a stabbing that occurred on April 4, 2014. One suspect was arrested for assault with a deadly weapon (knife). The location, including the parking lot and surrounding areas, are well lit. The location is also policed by private security. Considering the number of customers serviced at the location, crime has not been a major problem.

**(3) Overall recommendation:**

☒ Sheriff recommends approval of this CUP.

☐ Sheriff does **NOT** recommend approval of this CUP.

Sincerely,

JOHN L. SCOTT, SHERIFF

A handwritten signature in black ink that reads "John S. Benedict". The signature is written in a cursive style with a large, looping initial "J".

John S. Benedict, Captain  
Altadena Sheriff's Station

## INFORMATION AND INSTRUCTIONS -

## SECTION 23958.4 B&amp;P

Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

## PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

WAL MART STORES INC.

2. PREMISES ADDRESS (Street number and name, city, zip code)

2408 LINCOLN AVE., ALTADENA CA 91001-5436

3. LICENSE TYPE

21

4. TYPE OF BUSINESS

- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Full Service Restaurant                | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge     | <input type="checkbox"/> Private Club      |
| <input type="checkbox"/> Deli or Specialty Restaurant           | <input type="checkbox"/> Comedy Club       | <input type="checkbox"/> Night Club          | <input type="checkbox"/> Veterans Club     |
| <input type="checkbox"/> Cafe/Coffee Shop                       | <input type="checkbox"/> Brew Pub          | <input type="checkbox"/> Tavern: Beer        | <input type="checkbox"/> Fraternal Club    |
| <input type="checkbox"/> Bed & Breakfast:                       | <input type="checkbox"/> Theater           | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only <input type="checkbox"/> All |  |  |  |

- |   |  |   |  |
|---|--|---|--|
| <input checked="" type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store  | <input type="checkbox"/> Service Station                          | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store           | <input type="checkbox"/> Department Store  | <input type="checkbox"/> Convenience Market                       | <input type="checkbox"/> Drive-in Dairy        |
| <input type="checkbox"/> Drug/Variety Store     | <input type="checkbox"/> Florist/Gift Shop | <input checked="" type="checkbox"/> Convenience Market w/Gasoline |  |
| <input type="checkbox"/> Other - describe:      |  |   |  |

5. COUNTY POPULATION

6,243

6. TOTAL NUMBER OF LICENSES IN COUNTY

N/A

☐ On-Sale☐ Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

1:1,528

☐ On-Sale☒ Off-Sale

8. CENSUS TRACT NUMBER

4610

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

4

☐ On-Sale☒ Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

3

☐ On-Sale☒ Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

☐ Yes, the number of existing licenses exceeds the number allowed☒ No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

☒ Yes (Go to Item #13)☐ No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

772

14. TOTAL NUMBER OF REPORTING DISTRICTS

553

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

50,259

16. AVERAGE NO. OF OFFENSES PER DISTRICT

90.9

17. 120% OF AVERAGE NUMBER OF OFFENSES

109.1

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

648

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

☒ Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17☐ No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

☐ a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.☐ b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.☒ c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

## FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

Beatriz Lozada

**PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)**

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do not proceed to Part 3.

22. APPLICANT SIGNATURE

23. DATE SIGNED

**PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)**

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

☒ Yes

☐ No

☐ See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

The sale of full line alcohol for off-site consumption would serve as a public convenience and necessity to the surrounding community by providing products and services that are complementary to the market's other products and services. The shelf space devoted to the display of alcoholic beverages will be limited to 1.19% of the store's total shelf space.

26. CITY/COUNTY OFFICIAL NAME

Steve Mar

27. CITY/COUNTY OFFICIAL TITLE

Regional Planning Assistant II

28. CITY/COUNTY OFFICIAL PHONE NUMBER

(213) 974-6435

29. CITY/COUNTY OFFICIAL SIGNATURE



30. DATE SIGNED

12/22/14



# ALTADENA TOWN COUNCIL

Serving the community since 1975

[www.altadenatowncouncil.org](http://www.altadenatowncouncil.org)

730 East Altadena Drive • Altadena, California 91001

Mr. Richard Bruckner  
Planning Director  
Los Angeles County Department of Regional Planning  
320 West Temple Street  
Los Angeles, CA 90012

December 26, 2014

Re: Project No. R2014-00768-(5), CUP No. 201400032  
Applicant: Walmart

Dear Mr. Bruckner,

The Altadena Town Council resolved, at its November 18, 2014 meeting, to recommend the **APPROVAL** of the above-listed Conditional Use Permit listed to authorize the sale of alcoholic beverages. The Council requests that the applicant meet the following conditions:

1. Sales and service of alcoholic beverages shall be permitted only between the hours of 8:00 a.m. and 10:00 p.m., each day of the week.
2. No wine shall be sold with an alcohol content of greater than 15% by volume except for Dinner Wines" which have been aged two years or more and are maintained in corked bottles.
3. No beer or malt beverage products shall be sold, regardless of container sized, in quantities of less than six per sale.
4. Beer, malt beverages, and wine coolers in containers of 16 oz. or less cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
5. The sales of beer or malt beverages in quantities of quarts, 22 oz., 32 oz., 40 oz., or similar size containers is prohibited. No beer or malt beverages shall be sold in quantities of less than six per sale.
6. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, as depicted on the ABC-253 dated 06-25-13.
7. Loitering is prohibited on or around these premises or this area under the control of the licensee(s) as depicted on the ABC-253 dated 06-25-13.
8. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible from the exterior shall constitute a violation of this condition.
9. The petitioner(s) shall post and maintain a professional quality sign facing the premises parking lot(s) that read as follow:  
NO LOITERING, NO LITTERING,  
NO DRINKING OF ALCOHOLIC BEVERAGES  
VIOLATORS ARE SUBJECT TO ARREST



This sign shall be at least two feet square with two inch block lettering. The sign shall be in English and Spanish.

10. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences.

11. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee(s) as depicted on the ABC-257 dated 06-25-13 and ABC-253 dated 06-25-13.

12. Wine shall not be sold in bottles or containers smaller than 750 ml. and wine-coolers, beer coolers, or pre-mixed distilled spirit cocktails (if allowed by the licensee) must be sold in manufacturer- packaged multi-unit quantities.

This CUP is overwhelmingly supported by local neighborhood watch organizations and local residents. At the ATC meeting, there was no one who spoke against approving the CUP with conditions.

Thank you for your attention to this project.

Sincerely,

Diane Marcussen, Chairman  
Altadena Town Council

Cc: Ms. Sussy Nemer, Senior Deputy to Supervisor Antonovich